

1 (Whereupon, the document referred to
2 as TBF Exhibit No. 206 was marked for
3 identification.)

4 MR. EMMONS: TBF Exhibit 207 is a 25 -- 24 page,
5 excuse me, document consisting of a low power television
6 application filed by Raystay Company for Channel 56, Red Lion,
7 Pennsylvania.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 207 was marked for
10 identification.)

11 MR. EMMONS: TBF Exhibit 208 consists of 17 pages,
12 of documents totalling five discrete documents. And the
13 documents are construction permits issued by the FCC to
14 Raystay Company for low power television stations in
15 Lancaster, Pennsylvania, and Lebanon, Pennsylvania, and Red
16 Lion, Pennsylvania.

17 (Whereupon, the document referred to
18 as TBF Exhibit No. 208 was marked for
19 identification.)

20 MR. EMMONS: TBF Exhibit 209 is a two page document,
21 which is a memorandum dated January 16, 1991, from Harold
22 Etsell, E-T-S-E-L-L, Junior, -- Sweeney, S-W-E-E-N-E-Y.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 209 was marked for
25 identification.)

1 MR. EMMONS: TBF Exhibit 210, is a two page document
2 entitled "Low Power T.V. Business Plan," dated February 12,
3 1991.

4 (Whereupon, the document referred to
5 as TBF Exhibit No. 210 was marked for
6 identification.)

7 MR. EMMONS: TBF Exhibit 211 is --

8 JUDGE CHACHKIN: Well, I'll -- let's stop there.

9 MR. EMMONS: Oh, all right.

10 JUDGE CHACHKIN: The documents as marked by Counsel
11 would be marked for identification as TBF Exhibits 203 through
12 210.

13 MR. EMMONS: At this point, Your Honor, I would
14 offer TBF Exhibit 203 into evidence.

15 JUDGE CHACHKIN: Any objection?

16 MR. SCHAUBLE: Yes, Your Honor, I have an objection
17 on the basis of relevance. The issue that was added by Your
18 Honor, relates to whether Raystay Company made misrepresen-
19 tations or lacked candor not in these applications, which are
20 the original applications for construction permits, but in
21 applications to extend the construction permit, which are in
22 another TBF Exhibit, in which I have no objection to.

23 I see no relevance to the representations that were
24 made in the -- in these original applications here. As a
25 matter of fact, I have a specific concern, when TBF filed its

1 petition to enlarge issues, it's not an issue as to whether
2 Raystay made misrepresentations in these original
3 applications.

4 And in paragraph 20 of FCC 93M-469, Your Honor
5 rejected such an issue as lacking a prima facia basis, there
6 was no basis for such an issue. And to the extent there is
7 any -- anything in here which is even of background relevance,
8 that's contained in other documents here, Your Honor, and so I
9 don't think these documents are -- this application is
10 relevant.

11 MR. EMMONS: Well, Your Honor, several responses to
12 that. First let me address the -- what appears to be the
13 principle concern of Glendale's counsel, which is that somehow
14 TBF was seeking to re-litigate an issue that was sought, and
15 rejected in the prior ruling, we are not doing that at all,
16 Your Honor.

17 These documents are relevant for several reasons to
18 the designated issue, beyond -- beyond here is general
19 background in these reports, since the issue relates to
20 construction permits, and extension of construction permits.
21 Obviously the sequence of events establishing the applications
22 for those permits and then the awarding of the permits and so
23 forth, is a logical sequence, part of a story.

24 Beyond that though is -- beyond that is just general
25 background, Your Honor, there is, these are directly relevant

1 in two or three other respects.

2 The testimony, I believe, Your Honor, based on what
3 we've ascertained through discovery, is going to show that all
4 of these construction permits for the two Lancaster Stations,
5 the two Lebanon Stations, and the one Red Lion Station, were
6 part of a single group concept, and the business concept
7 becomes relevant to the Raystay's later intentions as to what
8 it was going to do or not do with those construction permits
9 which in turn becomes relevant to the statements made, and the
10 motive for the statements made in the extension applications
11 later on.

12 So the circumstances of filing these five
13 applications all together as a group, is a relevant
14 circumstance to the issue that has been designated.

15 The second basis and second, and altogether
16 independent basis for the relevance, Your Honor, is that one
17 of the matters at issue under the designated issue will be of
18 course the extent to which Mr. George Gardner, who is the
19 applicant of Glendale in this proceeding. And is the
20 controlling stockholder of the Raystay Company as well. The
21 extent to which he personally was involved in Raystay low
22 power matters, I think Your Honor generally ruled on that
23 question back during discovery, holding that the documents
24 reflected his personal involvement of discovery, because they
25 could pair up on the question of -- to the extent to which he

1 was personally involved.

2 These documents on their face do not reflect George
3 Gardner's signature, however, the testimony will indicate that
4 he was directly prepared -- excuse me, directly involved in
5 the -- in the decision and the concept for filing these
6 applications. So that will show his direct involvement.

7 And finally, Your Honor, there is, in part of these
8 applications, there is information about the site owners,
9 including their names and their address, as the contact person
10 for the various site owners in Lancaster and Lebanon, which is
11 directly relevant to the testimony given by David Gardner in
12 his direct testimony as to communications he had with those
13 persons, on the question of lease negotiations between Raystay
14 and the site owners. Which is one of the key statements in
15 the extension applications that is at issue in the proceeding.
16 And so information in these applications ties directly to
17 later events that will be the subject of testimony.

18 MR. SCHAUBLE: Your Honor, if I may respond.

19 JUDGE CHACHKIN: Yes.

20 MR. SCHAUBLE: First arguments I understand Mr.
21 Emmons' argument to be is that this application somehow
22 reflects the circumstances concerning the filing, assuming --

23 JUDGE CHACHKIN: Well, it establishes necessary
24 background of when the application was filed, that later on
25 became the subject of an extension request --

1 MR. SCHAUBLE: Your Honor --

2 JUDGE CHACHKIN: -- it provides dates, it also
3 provides information as to who filed the application and who
4 were the site holders to speak to.

5 MR. SCHAUBLE: Your Honor, that in -- that
6 information -- those portions of the application, and I
7 believe are contained in joint exhibits 5 and 6, concerning
8 and -- but this information concerning the engineering portion
9 of the application, at least that portion of the application,
10 I don't see what relevance that has, even as background to the
11 designated issue.

12 JUDGE CHACHKIN: Does the engineering portion, is
13 that relevant?

14 MR. EMMONS: The engineering portion, Your Honor, is
15 not -- is irrelevant in and of itself, I didn't want to break
16 up the application.

17 JUDGE CHACHKIN: So you don't plan on taking
18 official notice of that portion of the application for any
19 purpose?

20 MR. EMMONS: No, Your Honor, if we can -- the
21 engineering -- the engineering portions it appears to me
22 begins at page 8. I certainly -- Your Honor, to, in other
23 words to exclude pages 8 through 25 in the case of Exhibit
24 203, but that's not problem. Like I said we have no intention
25 of re-litigating the prior issue.

1 JUDGE CHACHKIN: Well, I just wanted to make sure
2 that you didn't -- the parties should be on notice of whether
3 or not you intend to make use of it, and you've indicated
4 you're not going to make use of it.

5 MR. EMMONS: That's correct, Your Honor. Yes.

6 MR. SCHONMAN: Your Honor, not only does the Bureau
7 not object, but we would urge Your Honor to include -- to
8 receive this document. It is highly relevant as an important
9 starting point for Raystay's future activities.

10 JUDGE CHACHKIN: I will received TBF Exhibit 203, it
11 will be received.

12 MR. SCHAUBLE: Your Honor, are you receiving the
13 entire exhibit?

14 JUDGE CHACHKIN: Well, it's -- for purposes of
15 official, and there's been an indication no official notice
16 will be taken of the engineering portion, it will not be used
17 in any way. So the only portion is relevant for purposes of
18 official notice, is the non-engineering portion.

19 (Whereupon, the document referred to
20 as TBF Exhibit No. 203 was received
21 into evidence.)

22 MR. EMMONS: Next, Your Honor, I would offer into
23 evidence TBF Exhibit 204.

24 JUDGE CHACHKIN: Do you object?

25 MR. SCHAUBLE: Your Honor, I object on the -- for

1 the reasons previously stated, I would suggest that consistent
2 with your prior ruling, that the appropriate ruling from Your
3 Honor would be to accept for official notice again pages 1
4 through 7.

5 JUDGE CHACHKIN: Is that --

6 MR. EMMONS: That will be fine, Your Honor.

7 JUDGE CHACHKIN: All right. I will only take
8 official notice of the other pages, not the page 1 through 7.

9 MR. SCHAUBLE: Excuse me, Your Honor, it would be
10 page 1 through 7, that official notice would be taken.

11 JUDGE CHACHKIN: Oh, I'm sorry, I will only take
12 official notice of pages 1 through 7.

13 MR. EMMONS: Right. Thank you, Your Honor.

14 JUDGE CHACHKIN: All right. So the document is
15 received for purposes of official notice.

16 (Whereupon, the document referred to
17 as TBF Exhibit No. 204 was received
18 into evidence.)

19 JUDGE CHACHKIN: 205?

20 MR. EMMONS: 205 I'll offer again, and we can have
21 the same stipulation as we would request official notice only
22 of pages 1 through 7 on 205.

23 JUDGE CHACHKIN: All right, I will receive those
24 portions for the purposes of official notice.

25 (Whereupon, the document referred to

1 as TBF Exhibit No. 205 was received
2 into evidence.)

3 MR. EMMONS: Page 206 we would offer and with the
4 same stipulation as we would request official notice only on
5 pages 1 through 7, of 206.

6 JUDGE CHACHKIN: I'll receive TBF Exhibit 206 for
7 official notice of only the pages that refer to this.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 206 was received
10 into evidence.)

11 MR. EMMONS: 207, we'd offer with the same
12 stipulation that only -- official notice would be requested
13 only for pages 1 through 7.

14 MR. SCHAUBLE: Your Honor, I have a different
15 argument on that.

16 JUDGE CHACHKIN: All right.

17 MR. SCHAUBLE: This is the application -- this is
18 not one of the applications for which -- which is the subject
19 of the extension application, this is the application for Red
20 Lion, Pennsylvania. And Your Honor, it was previously ruled
21 that the Red Lion application is not relevant to this issue,
22 in this proceeding. And I think particularly with respect to
23 Red Lion, to the extent there's any -- I would submit that
24 this particular application is not relevant, given as
25 background.

1 JUDGE CHACHKIN: Well, as I understood from Mr.
2 Emmons, he is arguing that the decisions about whether or not
3 to build the station, was a decision -- when the decision was
4 made, it was made a -- it concerned all five applicants as
5 one, rather than separate applications. And therefore, as I
6 understand it, therefore he wants this application in as a
7 point of reference.

8 MR. EMMONS: That's right, Your Honor. And I could
9 cite and quote deposition testimony if you wanted.

10 JUDGE CHACHKIN: It's not necessary. If he -- if it
11 develops in the evidence that the Red Lion application is not
12 relevant to the issue, then I would be prepared to move -- to
13 strike at that time, but I will permit him to go forward. He
14 has the burden of proceeding, and the burden of proof, I'll
15 permit him to go forward, and see what we can do with it. So
16 I will take official notice of -- what pages are that now?

17 MR. EMMONS: 1 through 7, Your Honor.

18 JUDGE CHACHKIN: 1 through 7 of TBF Exhibit 207.

19 (Whereupon, the document referred to
20 as TBF Exhibit No. 207 was received
21 into evidence.)

22 MR. EMMONS: And TBF offers again into evidence of
23 TBF Exhibit 208, which are the five construction permits that
24 were the product of the five applications, Your Honor, to take
25 an official notice of.

1 JUDGE CHACHKIN: Any objections?

2 MR. SCHAUBLE: I --

3 JUDGE CHACHKIN: You have the same objection, I
4 assume, to the one -- or do you have a different objection?

5 MR. SCHAUBLE: No, my only objection to it, I would
6 not object to the first 14 pages of this Exhibit, Your Honor.

7 JUDGE CHACHKIN: All right.

8 MR. SCHAUBLE: My objection would be through pages
9 15 through 17, which is the Red Lion permit. I don't see any
10 need to --

11 JUDGE CHACHKIN: All right. I will overrule the
12 objection and take official notice of the entire document.
13 Again you have my permission to move to strike if it isn't
14 tied in in the matter indicated by counsel.

15 (Whereupon, the document referred to
16 as TBF Exhibit No. 208 was received
17 into evidence.)

18 MR. EMMONS: Next, Your Honor, I would offer into
19 evidence TBF Exhibit 209.

20 JUDGE CHACHKIN: Any objection?

21 MR. SCHAUBLE: No objection, Your Honor.

22 JUDGE CHACHKIN: TBF Exhibit 209 is received.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 209 was received
25 into evidence.)

1 MR. EMMONS: Next I'd offer into evidence TBF
2 Exhibit 210.

3 JUDGE CHACHKIN: Any objection?

4 MR. SCHAUBLE: No objection, Your Honor. But it
5 comes to mind, and perhaps this should be in the time -- with
6 respect to Exhibits 209 and 210, as Your Honor will later
7 learn, TBF and Glendale have reached an agreement that would
8 -- to accept into evidence the deposition testimony of Harold
9 Etsell, Junior, in lieu of -- in lieu of requiring Mr. Etsell
10 to appear for cross examination. As part of that, Glendale
11 has agreed to stipulate, with respect to certain documents
12 including 209 and 210, that these documents are authentic and
13 that the author of these documents was Harold Etsell.

14 Now, with respect to 210, there were certain --
15 there were certain markings on this document that --

16 MR. EMMONS: Yes. Counsel is quite right, Your
17 Honor, on everything he said, and with respect to 210, which
18 Your Honor has admitted, of the typewritten portion was
19 prepared by Mr. Etsell. There was a handwritten word "Draft"
20 at the top right-hand of the front page, that was placed there
21 by Mr. Etsell. The other handwritten markings on both the
22 first page and the second page were not placed there by Mr.
23 Etsell, and I think the testimony will develop how they got
24 it.

25 JUDGE CHACHKIN: All right. Then I will receive TBF

1 Exhibit 210 with the understanding that only the word "Draft"
2 was placed there by Mr. Etsell, and the remaining handwritten
3 portions are not being received.

4 MR. EMMONS: No, I'm sorry, Your Honor, that was not
5 our understanding.

6 JUDGE CHACHKIN: Well, let -- then I will receive
7 it, if there are no objections.

8 MR. EMMONS: There are no objections, we were simply
9 trying to explain something that perhaps were premature in --

10 JUDGE CHACHKIN: All right. Then I will receive TBF
11 Exhibit 210.

12 MR. EMMONS: Thank you, Your Honor.

13 (Whereupon, the document referred to
14 as TBF Exhibit No. 210 was received
15 into evidence.)

16 MR. EMMONS: Next, Your Honor, I would offer into
17 evidence TBF Exhibit 211, and since we're on the subject we
18 stipulated that this document also was prepared by Mr. Etsell
19 and his testimony in his deposition transcript, which we will
20 be offering later, will discuss this document.

21 JUDGE CHACHKIN: Has 211 been identified, or did we
22 --

23 MR. EMMONS: Oh, I'm sorry.

24 MR. SCHAUBLE: 211 has not been identified.

25 JUDGE CHACHKIN: You now have to identify 211 to --

1 through 219.

2 MR. EMMONS: Thank you very much, Your Honor.

3 JUDGE CHACHKIN: Actually 220.

4 MR. EMMONS: I'm sorry. You're quite right. TBF
5 Exhibit 211, Your Honor, is a two page document entitled "Low
6 Power T.V. Construction Cost."

7 (Whereupon, the document referred to
8 as TBF Exhibit No. 211 was marked for
9 identification.)

10 MR. EMMONS: I'd ask that be marked, or identified
11 as TBF Exhibit 212 a one page document which is a letter dated
12 January 14, 1991, addressed to Mr. George Gardner.

13 (Whereupon, the document referred to
14 as TBF Exhibit No. 212 was marked for
15 identification.)

16 MR. EMMONS: Then ask that they be marked as TBF
17 Exhibit 213, a one page document which is a handwritten note
18 dated January 17, 1991.

19 (Whereupon, the document referred to
20 as TBF Exhibit No. 213 was marked for
21 identification.)

22 MR. EMMONS: I would next ask that they would be
23 marked for identification as TBF Exhibit 214 a two page
24 document -- an Exhibit of two pages, the first page of which
25 is a memorandum dated January 23, 1991, the second page of

1 which is a memorandum dated January 22, 1991.

2 (Whereupon, the document referred to
3 as TBF Exhibit No. 214 was marked for
4 identification.)

5 MR. EMMONS: I would ask that they be marked as TBF
6 Exhibit 215 for identification, a one page handwritten note or
7 memorandum to George Gardner from Hal Etsell.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 215 was marked for
10 identification.)

11 MR. EMMONS: I would then ask that they be marked
12 for identification as TBF Exhibit 216, a two page document
13 consisting of a letter dated March 26, 1991, to George
14 Gardner, and an attachment or enclosure, entitled "Raystay
15 Location Data."

16 (Whereupon, the document referred to
17 as TBF Exhibit No. 216 was marked for
18 identification.)

19 MR. EMMONS: Next I'd ask that they be marked for
20 identification as TBF Exhibit 217, a one page letter dated
21 February -- excuse me, dated May 23, 1991, addressed to Mr.
22 R.L. Fenstermacher, that's F-E-N-S-T-E-R-M-A-C-H-E-R.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 217 was marked for
25 identification.)

1 MR. EMMONS: Next I'd ask that they be marked for
2 identification as TBF Exhibit 218, a -- two documents
3 totalling 16 pages, pages 1 through 11 of which are entitled
4 "Agreement," with an exhibit attached, and pages 12 through 16
5 of which are entitled "Option to Buy Agreement," with an
6 Exhibit attached.

7 (Whereupon, the document referred to
8 as TBF Exhibit No. 218 was marked for
9 identification.)

10 MR. EMMONS: And I guess -- well, let me just
11 continue. TBF Exhibit 219, Your Honor, I'd ask be marked for
12 identification as 219, likewise a -- two documents totalling
13 16 pages. The first 11 pages of which are entitled
14 "Agreement," with an exhibit attached. And the second, that
15 is to say pages 12 through 16, of which is entitled "Option to
16 Buy Agreement," with an Exhibit attached.

17 (Whereupon, the document referred to
18 as TBF Exhibit No. 219 was marked for
19 identification.)

20 MR. EMMONS: That was 219, Your Honor, should I stop
21 there, or should I go to 220?

22 JUDGE CHACHKIN: Just 220.

23 MR. EMMONS: I'd ask be marked for identification as
24 TBF Exhibit 220 two documents totalling 16 pages, of which
25 pages 1 through 11 are a document entitled "Agreement" with an

1 Exhibit attached to it, and pages 12 through 16 of which are a
2 document entitled "Option to Buy Agreement," with an Exhibit
3 attached to it.

4 (Whereupon, the document referred to
5 as TBF Exhibit No. 220 was marked for
6 identification.)

7 JUDGE CHACHKIN: The documents described are marked
8 for identification as TBF Exhibit 211 through 220.

9 MR. EMMONS: At this point, Your Honor, I would
10 offer into evidence TBF Exhibit 211.

11 JUDGE CHACHKIN: Any objection?

12 MR. SCHAUBLE: No objection to 211, Your Honor.

13 JUDGE CHACHKIN: Exhibit TBF Exhibit 211 is
14 received.

15 (Whereupon, the document referred to
16 as TBF Exhibit No. 211 was received
17 into evidence.)

18 MR. EMMONS: Next Your Honor, I would offer into
19 evidence TBF Exhibit 212.

20 JUDGE CHACHKIN: Any objection?

21 MR. SCHAUBLE: Yes, Your Honor, I object on the
22 basis of relevance to this document. This document relates to
23 -- the succeeding documents relate to Raystay's dealing with
24 Mr. Fenstermacher which under the various names of
25 Alternatives Virginia and Quality Family Company, which do not

1 | relate to any of the statements made in the -- either set of
2 | extension applications.

3 | Now, at the time in discovery when Your Honor
4 | discussed this, Your Honor held that such documents should be
5 | produced because such documents could conceivably be relevant
6 | on theory to that, assuming arguendo that the statement to the
7 | extension applications were misrepresentations that these
8 | documents could relate to Raystay's motive for making any such
9 | misrepresentations which arguably existed.

10 | In this case, Your Honor, I don't think that theory
11 | connects with the -- connects with these documents, or with
12 | Raystay's dealings with Alternatives Virginia/Quality Family,
13 | because as Exhibit 223 will show, Raystay's dealings with that
14 | company ended in August 1991. And the first set of extension
15 | applications were not filed until December 1991.

16 | And therefore clearly Raystay did not make
17 | misrepresentation to the extension application in order to
18 | work out a deal with Alternatives Virginia, or Quality Family.
19 | And therefore I don't believe these documents are relevant and
20 | I object on that basis.

21 | MR. SCHONMAN: Your Honor --

22 | JUDGE CHACHKIN: Does the Bureau have a point of
23 | view on this?

24 | MR. SCHONMAN: Yes.

25 | JUDGE CHACHKIN: Before we get to counsel, yes.

1 MR. SCHONMAN: The Bureau does have a point of view.
2 The Bureau believes that this document is highly relevant in
3 that it shows a pattern of behavior that I think the testimony
4 will show that Raystay, almost from the moment it received a
5 construction permit for these low power station, never had an
6 intention of constructing them, and this is one -- one
7 important piece of the puzzle.

8 MR. SCHAUBLE: Your Honor, if I could -- I don't
9 believe these documents show this at all. The type of
10 agreement here, we're not talking about is a straight sale,
11 but if you look at the agreements, it would be under which Mr.
12 Fenstermacher would be a programmer for the station, for which
13 the stations would be operated with Raystay as the licensee.
14 And so I just wanted to --

15 MR. EMMONS: Your Honor, the evidence will show in
16 our judgment as Mr. Schonman has suggested, that although
17 Raystay had a business concept and a business plan when it
18 filed for these construction permits, and perhaps for a short
19 period of time after it received the construction permits,
20 there came a point in time very early, and this Exhibit 211 is
21 one of the first -- of it. When Raystay began a process of
22 abandoning any plan or intention of constructing or building
23 any of these stations itself.

24 This Exhibit 2 -- I said 211, sir, I meant 212, I'm
25 sorry. That Exhibit plus a number of the ensuing exhibits

1 reflect a -- the entering into of an agreement with a third
2 party, whereby a third party would construct and operate these
3 stations.

4 The evidence will then show that that agreement
5 collapsed in August 1991, and that thereafter, Raystay
6 undertook very intensive efforts to look to sell the
7 construction permits to someone else.

8 So the point is, Your Honor, that this is evidence
9 of an abandonment of an intention to construct which is
10 directly relevant to the representations that ultimately were
11 made into the applications to extend construction permit.

12 MR. SCHAUBLE: Your Honor, I have to object to these
13 characterizations --

14 JUDGE CHACHKIN: Well, I don't have to hear much
15 more argument, this is the theory, they're going to pursue it,
16 if it's unsuccessful, if this is not tied into this Exhibit,
17 you can move to strike. But I'll allow them to pursue it,
18 they have the burden of proceeding, as I said before, and TBF
19 Exhibit 212 is received.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 212 was received
22 into evidence.)

23 COURT REPORTER: Excuse me, I'm going to have to
24 change the tape please.

25 JUDGE CHACHKIN: Well, we'll take a luncheon recess

1 until 1:30.

2 (Whereupon, the hearing recessed at 12:30 p.m. to
3 reconvene on Thursday, December 2, 1993, at 1:30 p.m.)

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A F T E R N O O N S E S S I O N

1 JUDGE CHACHKIN: Please be seated. Back on the
2 record.

3 MR. EMMONS: Your Honor, can we go off the record
4 for a moment?

5 JUDGE CHACHKIN: We just got on the record. All
6 right. Off the record.

7 (Off the record.)

8 (Back on the record.)

9 JUDGE CHACHKIN: -- on the record now, and continue
10 what we were doing.

11 MR. EMMONS: Your Honor, we had concluded with TBF
12 Exhibit 212. So at this point I will --

13 JUDGE CHACHKIN: Yes. You're offering 213 at this
14 point?

15 MR. EMMONS: Yes, offering 213, Your Honor.

16 JUDGE CHACHKIN: Any objection?

17 MR. SCHAUBLE: Yes, Your Honor, I object on the
18 basis I've stated previously, in terms of relevance, this is
19 not -- this relates to negotiations which were terminated
20 several months before the --

21 JUDGE CHACHKIN: All right.

22 MR. SCHAUBLE: -- extension applications were filed,
23 and therefore have no connection to the designated issue.

24 JUDGE CHACHKIN: Okay. The objection is overruled.
25

1 The Exhibit is received.

2 (Whereupon, the document referred to
3 as TBF Exhibit No. 213 was received
4 into evidence.)

5 MR. EMMONS: TBF now offers TBF Exhibit 214.

6 JUDGE CHACHKIN: Objection?

7 MR. SCHAUBLE: Yes, Your Honor. On the same basis
8 stated previously.

9 JUDGE CHACHKIN: All right. The objection is
10 overruled. TBF Exhibit 214 is received.

11 (Whereupon, the document referred to
12 as TBF Exhibit No. 214 was received
13 into evidence.)

14 JUDGE CHACHKIN: Yes, go ahead.

15 MR. EMMONS: I'll offer TBF Exhibit 215.

16 JUDGE CHACHKIN: The same objection?

17 MR. SCHAUBLE: Same objection and believe this is
18 also one of the other documents which is subject to the
19 stipulation that this is an authentic document authored by Mr.
20 Etsell.

21 JUDGE CHACHKIN: All right. The objection is
22 overruled, TBF Exhibit 215 is received.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 215 was received
25 into evidence.)

1 MR. EMMONS: We offer TBF Exhibit 216, Your Honor.

2 JUDGE CHACHKIN: Any objections?

3 MR. SCHAUBLE: Objection on the same basis, Your
4 Honor.

5 JUDGE CHACHKIN: All right. The objection is
6 overruled. TBF Exhibit 216 is received.

7 (Whereupon, the document referred to
8 as TBF Exhibit No. 216 was received
9 into evidence.)

10 MR. EMMONS: We offer TBF Exhibit 217.

11 JUDGE CHACHKIN: Objections?

12 MR. SCHAUBLE: Objection on the same basis, Your
13 Honor, and even assuming that that's the matter -- even
14 assuming your ruling, I'm not sure how this doc-- how this
15 particular document adds to the directive. Subsequent
16 documents which are 218 to 221 are the agreements, and this --

17 MR. EMMONS: Well, Your Honor, this is part of the
18 course of conduct that is at issue, and the relevant, this
19 would come clearly within your prior rulings.

20 JUDGE CHACHKIN: All right. The objection is
21 overruled. TBF Exhibit 217 is received.

22 (Whereupon, the document referred to
23 as TBF Exhibit No. 217 was received
24 into evidence.)

25 MR. EMMONS: I'd like to offer TBF Exhibit 218.

1 JUDGE CHACHKIN: Objection?

2 MR. SCHAUBLE: Objection on the same basis stated
3 previously, Your Honor.

4 JUDGE CHACHKIN: All right. Objection overruled,
5 TBF Exhibit 218 is received.

6 (Whereupon, the document referred to
7 as TBF Exhibit No. 218 was received
8 into evidence.)

9 MR. EMMONS: Next we'll offer TBF Exhibit 219.

10 JUDGE CHACHKIN: Objection?

11 MR. SCHAUBLE: Yes, Your Honor, on the same basis
12 stated previously.

13 JUDGE CHACHKIN: TBF Exhibit 219 is received.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 219 was received
16 into evidence.)

17 MR. EMMONS: Next we'll offer -- next we'll offer
18 TBF Exhibit 220.

19 JUDGE CHACHKIN: Objection?

20 MR. SCHAUBLE: On the same basis stated previously,
21 Your Honor.

22 JUDGE CHACHKIN: Objection is overruled. TBF
23 Exhibit 220 is received.

24 (Whereupon, the document referred to
25 as TBF Exhibit No. 220 was received